

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES -- GENERAL

Case No. **CV 12-7282-JFW**  
[2:09-bk-29228-ER]

Date: November 27, 2012

Title: In re: Castellino Villas, A. K. F. LLC  
Picerne Construction Corp., et al -v- Castellino Villas, A. K. F. LLC

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**PRESENT:**

**HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE**

**Shannon Reilly**  
**Courtroom Deputy**

**None Present**  
**Court Reporter**

**ATTORNEYS PRESENT FOR PLAINTIFFS:**  
None

**ATTORNEYS PRESENT FOR DEFENDANTS:**  
None

**PROCEEDINGS (IN CHAMBERS):** **ORDER AFFIRMING BANKRUPTCY COURT'S ORDER  
DENYING PICERNE CONSTRUCTION'S MOTION TO  
CONFIRM STATE COURT'S AUTHORITY TO AWARD  
ATTORNEYS' FEES AND COSTS**

On August 24, 2012, Appellant Picerne Construction Corp. dba Camelback Construction ("Appellant" or "Picerne") filed a Notice of Appeal with this Court from the United States Bankruptcy Court's Order Denying Picerne Construction's Motion to Confirm State Court's Authority to Award Attorneys' Fees and Costs, entered on August 13, 2012. On October 25, 2012, Appellant filed its Opening Brief. On November 8, 2012, Appellee Castellino Villas, A K.F.C. LLC ("Appellee") filed its Opening Brief. On November 26, 2012, Appellant filed its Reply Brief. The Court finds this matter appropriate for decision without oral argument. The hearing calendared for December 3, 2012 is hereby vacated and the matter taken off calendar. After considering the opening and reply briefs, and the arguments therein, the Court rules as follows:

"The district court's standard of review over a bankruptcy court's decision is identical to the standard used by circuit courts reviewing district court decisions." *In re Boyd*, 243 B.R. 756, 759 (N.D. Cal. 2000) (citing *In re Baroff*, 105 F.3d 439, 441 (9th Cir. 1997)). "Thus, the district court reviews the bankruptcy court's factual findings for clear error and its conclusions of law *de novo*." *Id.* (citing *In re Southern Cal. Plastics, Inc.*, 165 F.3d 1243, 1245 (9th Cir. 1999)); *see also In re Gebhart*, 621 F.3d 1206, 1209 (9th Cir. Sept. 14, 2010) ("[T]he bankruptcy court's findings of fact are reviewed for clear error, and conclusions of law are reviewed *de novo*.").

Upon review of the record and the briefs submitted by the parties, the Bankruptcy Court's Order Denying Picerne Construction's Motion to Confirm State Court's Authority to Award Attorneys' Fees and Costs, entered on August 13, 2012. is **AFFIRMED**.

IT IS SO ORDERED.

**cc: Bankruptcy Court**